

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**ERNESTO MONCADA and
MARIA MONCADA,**

Plaintiffs,

v.

No. CIV-15-0999 CG/LAM

ALLSTATE INDEMNITY COMPANY,

Defendant.

INITIAL SCHEDULING ORDER

This case is assigned to me for scheduling, case management, discovery and all non-dispositive motions. The Federal Rules of Civil Procedure, as amended, as well as the Local Rules of the Court apply to this lawsuit. Civility and professionalism will be required of counsel. Counsel should read “A Lawyer’s Creed of Professionalism of the State Bar of New Mexico.”

The parties, appearing through counsel or *pro se*, will “meet and confer” no later than **Monday, November 23, 2015**, to formulate a Provisional Discovery Plan pursuant to Fed. R. Civ. P. 26(f). The time allowed for discovery is generally 120 to 150 days and will run from the Rule 16 Initial Scheduling Conference. **Initial disclosures under Fed. R. Civ. P. 26(a)(1), that have not already been made, shall be made within fourteen (14) days of the meet-and-confer session.**

The parties will cooperate in preparing a *Joint Status Report and Provisional Discovery Plan* (“JSR”) which follows the sample JSR available at the Court’s web site.¹ The blanks for suggested/proposed dates are to be filled in by the parties. Actual case management dates will be

¹ Pursuant to Administrative Order No. 06-173, the JSR replaces and supersedes the Provisional Discovery Plan and the Initial Pretrial Report, effective January 2, 2007. Please visit the Court’s web site, www.nmcourt.fed.us to download the standardized *Joint Status Report and Provisional Discovery Plan* form.

determined by the Court after consideration of the parties' requests. Plaintiff (or Defendant in removed cases) is responsible for filing the JSR **no later than Monday, November 30, 2015.**

Parties may not modify case management deadlines on their own. Good cause must be shown, and the Court's express and written approval obtained, for any modification of the dates in the scheduling order that issue from the JSR.

A Rule 16 Initial Scheduling Conference will be held by telephone on **Monday, December 14, 2015 at 3:00 p.m. (Trailing Docket – 30 minutes).** **The Court shall initiate the call - if counsel will be at a phone number that is different than the one listed on the Court's docket, please notify Judge Martinez' chambers by 11:00 a.m. the day before the hearing.** The Court's phones can only accommodate up to six telephone lines, including the Court's. If the parties anticipate that they will exceed this capacity, they must contact the Court immediately so that alternative arrangements may be made. Counsel shall be prepared to discuss the following: discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a *Daubert* hearing is needed (*see Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993)), initial disclosures, and the timing of expert disclosure and reports under Fed. R. Civ. P. 26(a)(2). We will also discuss settlement prospects and alternative dispute resolution possibilities. Client attendance is not required. Pre-trial practice in this cause shall be in accordance with the foregoing.

IT IS THEREFORE ORDERED that the parties shall:

Meet and confer by:	November 23, 2015
File their JSR with the Court by:	November 30, 2015
Provide Initial disclosures by:	December 7, 2015
Attend the telephonic Rule 16 Initial Scheduling Conference:	December 14, 2015

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE